

## ARTICLE XIV

### SIGN REGULATIONS

**SECTION 14.0 TITLE:** This Article shall be known as the Sign Ordinance of the City of Crescent Springs.

**SECTION 14.01 REGULATORY SCOPE:** This Article regulates signs, as defined herein, when mounted, located or displayed on property located within the incorporated limits of the city, on land that is either private land or public land owned and/or controlled by public entities other than the city, and over which the city has land use regulatory authority. The city's policies regarding display of signs on property owned or controlled by the city, and all public rights of way, are stated in Article XIV-A.

**SECTION 14.02 PURPOSE AND INTENT:** The purpose of this Article is to establish a comprehensive scheme for the regulation of signs within the city. These sign regulations are intended to establish and identify the criteria and design standards for signs.

**SECTION 14.03 AUTHORITY:** This Article is adopted pursuant to KRS 100.

**SECTION 14.04 INTERESTS SERVED:** This Article is adopted to serve the city's interests in traffic safety and community esthetics, to provided and protect an attractive visual environment in the city, and to ensure public safety.

**SECTION 14.1 BASIC POLICIES:** The policies and principles stated in this section apply to all signs within the regulatory scope of this Article, and to all procedures set forth in, or invoked by, this Chapter. These policies are to prevail over any other provision to the contrary, even if more specific.

- A. **Enforcement:** The Zoning Administrator, as designated by the city, is authorized and directed to enforce and administrate the provisions of this Article.
- B. **Compliance Required:** It shall be unlawful and a violation of this Article for any person to fasten, place, paint, or attach in any way: any sign, handbill, poster, advertisement, or notice of any kind, or cause the same to be done in or upon any curb-stone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, rest station building, tree, or in or upon any portion of any public sidewalk, street, or sign, except as specifically permitted within this Article.
- C. **Permits:** All signs displayed in the city must comply with all requirements of this Article and all other applicable law. Permits shall be required for all signs in the city, except those specifically exempted. No sign, outdoor advertising, structure,

billboard or display shall be erected, installed, located or maintained in any zoning district of the city, except in conformity with these regulations. New signs, additional signs, relocations or structural alterations of existing signs also require sign permits.

- D. **Discretionary Review:** When one or more signs are part of a project or development, or a variance, conditional use permit, exception or special use permit is sought for sign(s), which requires discretionary review, then the sign shall be reviewed without regard to the graphic design or visual image on the display face of the sign, and discretion shall be restricted to structural, location and other non-communicative aspects of the sign. This provision does not override the billboard policy.
- E. **Initial Review:** Unless a given sign is exempt from the permit requirement, all sign permit applications shall be reviewed by the Zoning Administrator, and approved or denied on the basis of whether the proposed sign satisfies all requirements of this Article, and all other applicable law, rules and regulations. If it does, then the permit shall be issued. If it does not, then the denial notice shall specify the point(s) of noncompliance. Decisions on sign permit applications must be made in writing by the Zoning Administrator, and are subject to the appeal procedures provided herein. When applicable, permits under the safety codes (building, electrical, etc.) are also required; sign permits may be approved subject to compliance with safety permit requirements.
- F. **Message Neutrality:** It is the city's policy to regulate signs in a constitutional manner.
- G. **Onsite/Offsite Distinction:** Within this Article, the distinction between onsite (or on-premise or point-of-sale) and offsite (or off-premise or non-point-of-sale) applies only to commercial speech messages.
- H. **Message Substitution:** Subject to the property owner's consent, a noncommercial message of any type may be substituted in whole or in part for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. In addition, any onsite commercial message may be substituted, in whole or in part, for any other onsite commercial message, provided that the sign structure or mounting device is legal without consideration of message content. This provision does not create a right to increase the total amount of signage on a parcel, lot or land use; does not affect the requirement that a sign structure or mounting device be properly permitted; does not allow a change in the physical structure of a sign or its

mounting device; and does not allow the substitution of an off-site commercial message in place of an on-site commercial message or a noncommercial message.

- I. Regulatory Interpretations: All regulatory interpretations of this Article are to be exercised in light of the city's message neutrality and message substitution policies. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Article, or whenever a sign does not qualify as a "structure" as defined in the Building Code, then the Zoning Administrator shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this Article, in light of the policies stated in this section.
- J. Appeals: All appeals from initial decisions on sign permit applications and all other sign-related decisions of the Zoning Administrator shall be first to the Board of Adjustment, and thereafter to the Kenton County Circuit Court. Details of the appeals process are stated within KRS 100.
- K. Noncommunicative Aspects: All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.
- L. Billboard Policy: New billboards, as defined herein, are prohibited. The city completely prohibits the construction, erection or use of any billboards, other than those which legally exist in the city, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the city will take immediate enforcement or abatement action against any billboard constructed or maintained in violation of this policy. In adopting this provision, the city affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this Article. The city intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this Article may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate presently existing, legal billboards, so long as such agreements are not contrary to state or federal law.
- M. Signs Near Freeways, etc.: No signs shall be erected, maintained, replaced, relocated, repaired, or restored within a distance of six hundred sixty (660) feet of the right-of-way of any interstate highways, limited access highway or turnpike, except as provided for in KRS 177.830 - 177.890 and approved of by the Kentucky Department of Transportation, Bureau of Highways, District Office Number 6, as amended.

- N. **Mixed Use Zones or Overlay Districts:** In any zone where both residential and non residential uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows: residential uses shall be treated as if they were located in a zone where a use of that type would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.
- O. **Property Owner's Consent:** No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.
- P. **Legal Nature of Sign Rights:** As to all signs attached to real property, the signage rights, duties and obligations arising from this Article attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this Article or other law), or the ownership of sign structures. This provision does not apply to hand held signs or other images which are aspects of personal appearance.
- Q. **Sign Programs, etc.:** Sign programs for specific developments, as well as special sign districts or special sign overlay zones, when approved by the approving authority, may modify the rules stated herein as to sign size, height, illumination, spacing, orientation or other non-communicative aspects of signs, but may not override or modify any of the Basic Policies stated in this section. All the provisions of this section shall automatically apply to and be deemed a part of any sign program approved after the date on which this provision is initially adopted.
- R. **Severance:** If any section, sentence, clause, phrase, word, portion or provision of this Article is held invalid, unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this Article which can be given effect without the invalid portion. In adopting this Article, the *(city/county)* affirmatively declares that it would have approved and adopted the Article even without any portion which may be held invalid or unenforceable.

**SECTION 14.2 PROHIBITED SIGN TYPES:** Unless specifically authorized by another section of this Article, or by other law, the following sign types are prohibited at all times and in all zones.

- A. New billboards and other signs displaying offsite commercial messages.

- B. Portable signs, including folding portable signs and flashing portable signs.
- C. Pennants, banners, streamers, and similar devices.
- D. Moving: Animated, projecting, revolving, and moving signs, including those which create the appearance of animation, projection, revolvment or movement, or utilize flashing or intermittent lights, or lights of changing degrees of intensity.
- E. Obstructing: Signs located at or near an intersection of two or more streets in such a manner as to hinder or obstruct free and clear vision, including signs on the inside of a curve of a street which causes any interference to sight distance.
- F. Confusing: Signs which are not traffic, control or safety signals, but by their shape, color, or manner of mounting or display, appear to be traffic, control or safety signals, and thus create confusion for drivers and pedestrians, as well as signs which create or constitute traffic hazards.
- G. Vacant lots: Signs on vacant lots, other than real estate signs or signs displaying non-commercial speech messages.
- H. Offsite: Signs displaying off-site commercial messages.
- I. Roof: Signs for which a separate structure is mounted on a roof or parapet; this provision does not prevent signs which are integral to the building.
- J. Annoyances: Signs which are or which have become nuisances by virtue of light reflection or diffraction, glare, focus, noise, smoke, fumes, animation, flashing, intensity of illumination, when any such feature, without regard to the message displayed on the sign, is unduly disturbing to surrounding properties or to the public generally.
- K. Clearance: Signs located nearer than eight (8) feet vertically, or four (4) feet horizontally from any overhead electric wires or conductors.
- L. Sound: Signs using sounds, music, sound effects, noises, music, or other sound or noise-making or transmitting device or instruments.
- M. Blocking: Signs which constricts the flow of air through any window or door, or which hinder or prevent free ingress and egress from any door, window, fire escape or pedestrian exit.
- N. Encroachments: Signs which are mounted or displayed on public property or the public right of way, or which project over, into or above the public right of way,

without an encroachment permit.

- O. Setback: Signs mounted so that any portion of the physical structure is five (5) feet of the property line.

**SECTION 14.3 SPECIAL SIGNS:** The following signs may be permitted in any zone without a fee, but will require an application for a sign permit, as provided in Section 14.4.

- A. Real Estate Signs: One (1) real estate sign per street frontage adjoining the lot or parcel for sale, lease, or rent. A real estate sign shall not exceed six (6) square feet in outside area in a residential zone and shall not exceed twenty (20) square feet in a commercial or industrial zone; single or double faced; maximum height of four (4) feet in a residential zone and eight (8) feet in a commercial or industrial zone, when the sign advertises the sale, rental, or lease of premises on which said sign is located; minimum setback of twenty-five (25) feet when not attached flat against a building. Said signs shall be removed by owners or agent within ten calendar days after the sale, rental, or lease of the premises.
- B. Professional nameplates, not exceeding one (1) square foot in outside area, single or double faced. Shall not be animated nor illuminated.
- C. Bulletin boards: Size limit: not over twelve (12) square feet in outside area; single or double faced, maximum setback of fifteen (15) feet, maximum height of six (6) feet, for public, charitable, religious institutions or any other non-commercial, non-residential land use, when the same is located on the premises of said institution. Such signs shall not animated, and may be illuminated only by concealed lighting, and only until 10:00 PM.
- D. Signs on construction projects: On parcels where construction projects are underway, temporary signs may be displayed, subject to: Size: not over twenty (20) square feet in outside area; single or double faced; maximum height: eight (8) feet; display time: beginning with the issuance of the last permit necessary before the construction may begin, and ending not more than ten calendar days after notice of completion, notice of acceptance, or the functional equivalent of either.
- E. Traffic signs, provided that said signs are designed and located in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways", U.S. Department of Transportation, Federal Highway Administration.
- F. Temporary Signs for Special Events: When a special event is duly authorized, and signs are to be part of the event or the publicity for it, then such signs must be hand held or, if mounted, must be setback at least 20 feet from any right of

way line, and may be displayed not more than 30 days prior to the event and not more than 3 calendar days after the close of the event. Ground mounted temporary signs shall be mounted not more than six (6) feet above level, and shall not be illuminated. During the event, a sign not larger than thirty-two (32) square feet may be erected on the same premises as the event. The sign must be set back a minimum distance of twenty (20) feet from any right-of-way or property line. The sign may be illuminated, but only by concealed lighting.

- G. Flags or buntings: In residential districts, flags may not display commercial images. When flags are mounted on poles, the maximum pole height is determined by the maximum structure height for that district. Maximum number of flag poles: on residential properties, one; on non-residential properties: two.
- H. Repainting or cleaning of an advertising structure, or the changing of the advertising copy or message thereon, unless a structural change is made.

**SECTION 14.4 SIGN PERMIT REQUIRED FOR ERECTION OF SIGNS:** Unless a particular sign is exempt from the permit requirement under an explicit provision of this Article or other applicable law, then a permit for such sign is required.

- A. Replacements: If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location, subject to all requirements enumerated herein.
- B. Maintenance: If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.
- C. Transfers: If any sign is removed from one location and erected at a new location, a new permit shall be obtained.
- D. Alteration: Alteration or enlargement of any sign shall require a permit the same as for a new sign.
- E. Application: No permit shall be granted until and after an application has been filed with the building inspector or zoning administrator, showing the plans and specifications, including all sign dimensions including height of the sign from the ground, if necessary, materials, and details of construction of the proposed structure, lighting, and information to be conveyed on the sign and such permit shall not be approved or granted until all provisions herein have been fully met.
- F. Application Form: The zoning administrator shall prepare and provide a form to be used as an application for a sign permit. The same form may constitute a permit, when duly approved. Multiple signs may be listed on a single permit only

when they are all on the same lot or parcel, or are part of a single, comprehensive development.

- G. Information on Application: The sign application form may call for disclosure of any of the following information:
1. Name and contact information for the applicant, and if separate, the name, address and consent of the property owner;
  2. Street address and Assessor's parcel number of the site;
  3. Accurate site plan to scale describing the design, dimensions, proposed placement, structural and electrical characteristics and appearance of the sign(s), including the location of existing buildings, signs and other structures of the proposed sign(s);
  4. If the plans and drawings require an engineer's or architect's seal, signature or certificate, such must show current Kentucky registration or licensure;
  5. Any signs or other structures to be removed or located;
  6. Dimensions and heights of all existing and proposed sign(s);
  7. Information regarding electrification, trenching, demolition, plumbing, temporary street closure, or encroachment into the public right of way;
  8. Any known uncured violations of zoning laws on the site;
  9. Name, address and any licensing/bonding information for any sign contractors;
  10. Technical drawings, specifications, structural safety calculations for the sign structure;
  11. An indication if the sign is to be used for the display of offsite commercial messages;
  12. The graphic design or proposed message of the sign is optional with the applicant;
  13. If the sign is subject to any of the safety codes (building, electrical, etc.), then all information required to determine compliance with such codes or to satisfy the requirements of such codes.
- H. Incompleteness: Initial review of an application will be for the purpose of determining if the application is complete. If the application is found incomplete, written notice thereof will be given within fifteen working days of submission, detailing the points of incompleteness. Notice is deemed effective when mailed or personally delivered. After notice of incompleteness, the applicant shall have thirty calendar days in which to resubmit the application, with all noticed items of incompleteness cured. Upon timely resubmission, a new application fee is not required. If no notice of incompleteness is timely provided, the application shall be deemed complete as of last day on which the notice of incompleteness could have been given.



- I. Time for Decision: The zoning administrator shall render a decision on each complete sign permit application within 30 working days of when the application was complete.
- J. Noncompliance with Permit: All signs must conform to the requirements of the permit, and all other applicable laws. Any sign not erected or constructed as represented on the application upon which the permit was issued shall not be construed as a hardship case, but shall be construed as a misrepresentation of facts on the application and a violation of this Article, and the owner or agent shall be given a two (2) week notice to remove said sign or correct the error. Any noncomplying sign which is not removed or corrected within the required time shall be a deemed public nuisances and a violation of the zoning ordinance, and may be abated in the same manner as any public nuisance or zoning code violation.

**SECTION 14.5 APPEALS:** Decisions on sign permit applications, as well as directives, orders, notices and all other sign-related decisions of the zoning administrator may be appealed to the Board of Adjustment.

- A. Notice of Appeal: Appeal is effective only when notice thereof is timely and properly given. Notice of appeal must be filed with the Zoning Administrator within 30 calendar days of when notice of the decision was given. When notice is mailed, it shall be deemed given on the day it is placed in the U.S. mail or turned over to a private carrier. Notice of appeal must identify the decision appealed from, and the grounds for appeal, and must be signed by the appellant.
- B. Hearing on Appeal: Within 60 working days of timely receipt of a notice of appeal, the Board of Adjustment shall hear the appeal in an open, public, duly noticed hearing. The appellant and all other persons wishing to be heard shall be allowed to present evidence and argument. The Board will base its decision on the law and the evidence presented at the hearing. The Board will issue a written decision within 30 calendar days of the hearing, and the written decision shall state the decision and the facts and law supporting the decision.
- C. Waiver of Time: Any of the timeliness requirements of this section may be waived by the appellant.
- D. Judicial Review: The decision of the Board of Adjustment is final. Further review may be had in Kenton County Circuit Court, pursuant to the Kentucky law of civil procedure.
- E. Status pending appeal: While any sign related matter is on appeal, the status quo of the subject sign(s) shall be maintained, except when, by virtue of physical condition, the sign poses an immediate threat to the public health, safety and

welfare, in which case the threat may be abated in the same manner as any other immediate threat to the public health, safety and welfare.

### **SECTION 14.6 (reserved)**

**SECTION 14.7 DEFINITIONS:** In general, the definitions given in Article VII apply to this Article. However, the following definitions apply within this Article, and prevail over any inconsistent definitions given in Article VII.

- A. Billboard: a sign which meets any one or more of the following criteria:
1. a permanent structure sign which is used for the display of offsite commercial messages;
  2. a permanent structure sign which constitutes a principal, separate or secondary use, as opposed to an accessory use, of the parcel on which it is located;
  3. an outdoor sign used as advertising for hire, *i.e.*, on which display space is made available to parties, other than the owner or operator of the sign or occupant of the parcel (not including those who rent space from the sign owner, when such space is on the same parcel as the sign), in exchange for a rent, fee or other consideration; or
  4. a sign which is used for general advertising purposes.
- B. Sign: Any device, fixture, placard or structure, including its component parts, which by display of a visual image draws attention to an object, product, place, activity, opinion, idea, person, institution, organization or place of business, or which identifies or promotes the interests of any person, and which is visible from any public street, road, highway, right-of-way or parking area. Notwithstanding the generality of the foregoing, the following are not within the definition of "sign" for the regulatory purposes of this Chapter:
1. Architectural features. Decorative or ornamental elements of buildings, not including letters, trademarks or moving parts which have a communicative function;
  2. Cornerstones and foundation stones;
  3. Cultural decorations. Displays of noncommercial nature, mounted on private residential property, which pertain to cultural observances;
  4. Fireworks;
  5. Grave markers, insignia on tombs, crypts, mausoleums and other insignia of the deceased, which such are part of a burial, interment, mausoleum or memorial site which is otherwise legal;
  6. Hot air balloons. Inflated balloons which carry persons and do not display general advertising images;
  7. Interior signs. Signs and graphic images which are not visible from the public right of way;

8. Manufacturers marks. Marks on tangible products, such as trademarks and logos, which identify the maker, seller, provider or product, and which customarily remain attached to the product or its packaging even after sale;
9. Mass transit. Graphic images trains, buses or other mass transit vehicles which legally pass through the city;
10. Newsracks. Any self-service or coin-operated box, container, storage unit, fixture or other dispenser placed, installed or maintained for display and sale or other distribution of one or more newspapers, periodicals or other publications;
11. Noncommercial symbols integrated into architecture. Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal;
12. Official notices. Any public or legal notice required or authorized by law, a court order or public agency;
13. Personal appearance. Items or devices of personal apparel, decoration or appearance, including apparel, tattoos, makeup, masks and costumes, but not including hand-held commercial signs or commercial mascots;
14. (reserved);
15. Vehicle and vessel signs. On vehicles and water craft: license plates, license plate frames, registration insignia, noncommercial messages, messages relating to the business or service of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel;
16. Vending machines and public phone facilities;
17. Shopping carts, go carts, golf carts, and similar devices;
18. Floor mats, door mats, and similar devices;
19. Graphic images which are visible only from aircraft flying above;
20. Historical plaques and memorials.

**SECTION 14.8 SIGN PERMIT FEES:** The fee for a sign permit shall be as provided for in the building code or as otherwise established by the legislative body.

**SECTION 14.9 CLASSIFICATION OF SIGNS:** The following classification of signs shall be deemed to include all signs permitted in any zone unless other signs are specifically listed and provided for. The classification of all signs shall be determined by the zoning administrator. (Permitted use and location of signs - see Section 14.10.)

A. CLASS 1: The following signs, meeting the following specifications, shall constitute Class 1 and shall be only business or identification signs, as defined herein:

1. Structural Type - Flat or window sign, single faced only.

2. Maximum Size Of Sign - One (1) square foot.
  3. Maximum Height Above Grade at Top Of Sign - Attached directly to building, parallel to wall face.
  4. Limitations On Number Of Signs - One (1) sign for each separate use that is a permitted use.
  5. Other Limitations - Shall be neither animated nor illuminated.
- B. CLASS 2: The following signs, meeting the following specifications, shall constitute Class 2 and shall be only business or identification signs, as defined herein:
1. Structural type - Only one of the following type signs are permitted in Class 2 per each individual use: Flat, window, or projecting sign, single or double faced.
  2. Maximum Size Of Single Sign - Two (2) square feet.
  3. Maximum Height Above Grade At Top Of Sign - Attached to building and projecting not more than eighteen (18) inches from the wall face of the building.
  4. Limitations On Number Of Signs - One (1) sign for each separate use that is a permitted use.
  5. Other Limitations - Shall be neither animated nor illuminated.
- C. CLASS 3: The following signs, meeting the following specifications, shall constitute Class 3 and shall be only business or identification signs, as defined herein:
1. Structural Type - Flat, ground, or pole sign, single or double faced.
  2. Maximum Size Of Single Sign - Six (6) square feet in outside area.
  3. Maximum Height Above Grade At Top Of Sign - Twelve (12) feet.
  4. Limitations On Number Of Signs - One (1) sign for each curb cut, plus any number within the off-street parking areas.
  5. Other Limitations
    - a. May be illuminated, but only from a concealed light source and shall not be flashing, glaring, nor animated.
    - b. Shall be limited in subject matter to off-street parking directions and instructions and shall have no merchandise, manufacturing, or service advertising.
    - c. No part of any ground or pole sign shall be closer than five (5) feet from any property line.
- D. CLASS 4: The following signs, meeting the following specifications, shall constitute Class 4 and shall be only business and identification signs, as defined herein:

1. Structural Type - Only one (1) of the following signs are permitted in this class per each individual use: Flat, window, or ground sign, single or double faced.
  2. Maximum Size Of Single Sign - Twelve (12) square feet in outside area, except as specified in Subsection D., 4. of this section.
  3. Maximum Height Above Grade At Top Of Sign - Ten (10) feet.
  4. Limitations On Number Of Total Area Of Signs - The total area of all signs, in a single designated land area, shall not exceed in square feet the product of the number of acres, or fractions of acres, in the designated land area multiplied by twenty-five (25), provided, however, that the aggregate area of any such sign or signs may have an area of at least six (6) square feet, and provided further, that no single sign shall have an area of more than thirty-five (35) square feet on premises of already developed use or an area of not more than seventy-five (75) square feet on premises not developed.
  5. Other Limitations
    - a. Shall not be animated; may be illuminated, but only from a concealed light source.
    - b. Shall be temporary only, for advertising development, new construction, or the sale, lease, rental, remodeling and re-building of designated structures or a designated land area. Permits shall be temporary, and shall be valid for a period not exceeding one hundred eighty-two (182) consecutive calendar days, but are renewable one (1) time only for an additional one hundred eighty-two (182) consecutive calendar days. Such signs shall be removed within ten (10) consecutive calendar days after the completion of the project.
    - c. Shall be located only on the premises of the property being referred to.
    - d. No part of any ground sign shall be closer than five (5) feet from any property line.
- E. CLASS 5: The following signs, meeting the following specifications, shall constitute Class 5 and shall be only business or identification signs, as defined herein:
1. Structural Type - Individual letters only, single faced only.
  2. Maximum Size Of Individual Sign
    - a. One (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
    - b. Maximum size of letters shall be thirty-six (36) inches in height.

- c. The total size for individual letter signs shall be computed by taking the area enclosed within a rectangle that is needed to completely encompass each letter or insignia of the sign.
  3. Maximum Height Above Grade At Top Of Sign - Attached flat to building, but shall not extend above the top or ends of the wall surface on which the sign is placed.
  4. Limitations On Number Of Signs - One (1) sign for each street frontage of the lot on which the primary permitted use is located, except that where a complex of buildings is an attached shopping complex or an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one (1) firm, company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such a complex, if permitted within the zone under consideration, shall not be considered as containing separate businesses for this purpose, but shall have only one (1) such sign, regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease within said office building.
  5. Other Limitations
    - a. Shall be neither flashing nor animated.
    - b. May be illuminated, but only from a concealed light source.
    - c. Shall not extend outward from the building wall more than twelve (12) inches, except that if the sign is illuminated, the reflectors may project not more than four (4) feet beyond the face of the sign.
- F. CLASS 6: The following signs, meeting the following specifications, shall constitute Class 6 and shall be only business or identification signs, as defined herein:
  1. Structural Type - Flat sign, single faced only.
  2. Maximum Size Of Single Sign - One (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.
  3. Maximum Height Above Grade At Top Of Sign - Attached to building, but shall not extend above the top or ends of the wall surface on which the sign is placed.
  4. Limitations On Number Of Signs - One (1) sign for each street frontage of the lot on which the primary permitted use is located, except that where a complex of buildings is an attached shopping complex or an attached group of buildings, only one (1) such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one (1) firm, company, or incorporation having separate ownership, or separate rental

or lease. A professional office building within such a complex, if permitted within the zone under consideration, shall not be considered as containing separate businesses for this purpose, but shall have only one (1) such sign, regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease within said office building.

5. Other Limitations
    - a. Shall be neither flashing nor animated.
    - b. May be illuminated, but only from a concealed light source.
    - c. Shall not extend outward from the building wall more than twelve (12) inches, except that if the sign is illuminated, the reflectors may project not more than four (4) feet beyond the face of the sign.
- G. CLASS 7: The following signs, meeting the following specifications, shall constitute Class 7 and shall be only business and identification signs, as defined herein:
1. Structural Type - Pole sign or ground sign, single or double faced.
  2. Maximum Size Of Single Sign - Sixty (60) square feet.
  3. Maximum Height Above Grade At Top Of Sign - Pole: twenty (20) feet; Ground: ten (10) feet.
  4. Limitations On Number Of Signs - One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
  5. Other Limitations
    - a. Such sign shall be neither flashing nor animated.
    - b. No part of any ground or pole sign shall be set back closer than five (5) feet from any property line.
    - c. All signs shall be located in such a manner that they are wholly visible from the centerline of the abutting street which the sign faces from a minimum distance of two hundred fifty (250) feet. No sign shall be located in such a manner that it partially or wholly obstructs adjacent signs as viewed from the centerline of the abutting street from a minimum distance of two hundred fifty (250) feet.
- H. CLASS 8: The following signs, meeting the following specifications, shall constitute Class 8 and shall be only business or identification signs, as defined herein:
1. Structural Type - Ground sign, single or double faced.
  2. Maximum Size Of Single Sign - Twenty-five (25) square feet.
  3. Maximum Height Above Grade At Top Of Sign - Ten (10) feet.
  4. Limitations On Number Of Signs

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- a. One (1) sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.
  - b. One (1) sign may be erected for identification purposes of a residential development for each major entrance.
5. Other Limitations
- a. Shall be neither flashing nor animated.
  - b. May only be illuminated from a concealed light source.
  - c. No part of any ground sign shall be closer than five (5) feet from any property line.
- I. CLASS 9: The following signs, meeting the following specifications, shall constitute Class 9 and shall be only business or identification signs, as defined herein:
1. Structural Type - Pole or ground signs, single or double faced.
  2. Maximum Size Of Single Sign - One hundred fifty (150) square feet.
  3. Maximum Height Above Grade At Top Of Sign - Pole: thirty (30) feet; Ground: ten (10) feet.
  4. Limitations On Number Of Signs
    - a. One (1) sign may be erected on each abutting major street identifying a shopping complex of three (3) or more businesses located in a unified building or an attached group of buildings.
    - b. One (1) sign may be erected along each abutting arterial street entrance into an Industrial Zone for the purposes of identifying an industrial development.
  5. Other Limitations
    - a. Shall be neither flashing nor animated.
    - b. May only be illuminated from a concealed light source.
    - c. No part of any ground or pole sign shall be closer than five (5) feet from any property line.
- J. CLASS 11: The following signs, meeting the following specifications, shall constitute class 11 and shall be only business or identification signs, as defined herein:
1. Structural Type - Pole sign; single or double faced.
  2. Maximum Size Of Single Sign - Two hundred (200) square feet.
  3. Maximum Height Above Grade At Top Of Sign - Forty (40) feet.



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4. Limitations On Number Of Signs - One (1) class 11 sign may be erected per site.
  5. Other Limitations
    - a. Such sign shall be neither flashing nor animated.
    - b. May be illuminated, but only from a concealed light source.
    - c. No part of any ground or pole sign shall be set back closer than five (5) feet from any property line.
    - d. All signs shall be located in such a manner that they are wholly visible from the centerline of the abutting street which the sign faces from a minimum distance of two hundred fifty (250) feet. No sign shall be located in such a manner that it partially or wholly obstructs adjacent signs as viewed from the adjacent interstate from a minimum distance of one thousand (1,000) feet.
- K. CLASS 12: The following signs meeting the following specifications shall constitute Class 12 and shall be identification signs, as defined herein:
1. Structural Type - Ground sign, single or double faced, in combination with a planter, shrubbery, or other aesthetic design.
  2. Maximum Size Of Single Sign - Thirty-six (36) square feet.
  3. Maximum Height Above Grade At Top Of Sign - Six (6) feet.
  4. Limitation On Number Of Signs - One (1) class 12 sign may be erected on any lot.
  5. Other Limitations -
    - a. Such sign shall be neither flashing nor animated.
    - b. May be illuminated, but only from a concealed light source.
    - c. No part of any ground sign shall be set back closer than five (5) feet from any property line.
    - d. All signs shall be located in such a manner that they are wholly visible from the centerline of the abutting street which the sign faces from a minimum distance of two hundred fifty (250) feet. No sign shall be located in such a manner that it partially or wholly obstructs adjacent signs as viewed from the centerline of the abutting street from a minimum distance of two hundred fifty (250) feet.
- L. CLASS 13: The following signs meeting the following specifications shall constitute Class 13 and shall be only business and identification signs, as defined herein:
1. Structural Type - Ground sign; single or double faced.
  2. Maximum Size Of Single Sign - Thirty (30) square feet.
  3. Maximum Height Above Grade At Top Of Sign - Ten (10) feet.

4. Limitations -

a. One sign may be erected at:

- (1) The point of entry into the zone district providing that such point of entry is along an arterial or collector street.
- (2) The entrance into a commercial or industrial development from an arterial or collector street, providing that such development contains a minimum area of five (5) acres.

b. No part of any such sign shall be located within or extend into the street right-of-way, nor shall be located within five (5) feet of any property line.

5. Other Limitations -

- a. Shall be neither flashing nor animated.
- b. May only be illuminated from a concealed light source.

M. CLASS 14: The following signs meeting the following specifications shall constitute Class 14 and shall be only business, identification and information signs, as defined herein:

- 1. Structural Type – Ground sign, single or double face, with or without landscaping.
- 2. Maximum Size Of Single Sign – Forty (40) square feet. The area of a sign consisting of electronic message board elements shall not constitute more than 24 square feet of a sign. Regardless of the size of the electronic message board, the maximum size of the remaining sign face shall not exceed 16 square feet.
- 3. Maximum Height Above Grade At Top Of Sign – Seven-and-a-half (7.5) feet.
- 4. Maximum Width – Ten (10) feet.
- 5. Limitation On Number Of Signs - One (1) class 14 sign may be erected on any lot.
- 6. Other Limitations –
  - a. The automatic changeable copy shall use white or amber colored light only, and the remaining sign face shall be illuminated by white light from a concealed light source only.
  - b. Additional restrictions for changeable copy signs per Section 14.11, B., 2.
  - c. No part of any ground sign shall be closer than 5 feet from any zoning or property line.

**SECTION 14.10 PERMITTED USE AND LOCATION OF SIGNS:** The following classes of signs may be erected and maintained in the following zones:

ZONES	USES	PERMITTED SIGN CLASSES
CO	(1) Any use permitted in this zone	1, 2, and 4
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas	3
	(b) All the uses permitted or conditionally permitted in this zone	5 and 8 or 6 and 8*
R-RE, R-1A, R-1B, R-1C, R-1D, R-1E, R-1EE	(1) Any use permitted in these zones	4
	(2) In addition to sign classes permitted in (1):	
	(a) Conditional uses permitted in these zones	5 and 8 or 6 and 8*
	(b) Off-street parking areas for conditionally permitted uses	3
	(c) Signs for identification of a residential subdivision	8
R-1C, R-1G	(1) Only churches	5 and 8* or 14** or 6 and 8* or 14**
	(a) Off-street parking areas for churches	3
R-2C, R-2, R-3	(1) Any use permitted in these zones	4
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas	3
	(b) Conditional uses permitted in these zones	5 and 8* or 6 and 8*
	(c) Signs for identification of a multi - family residential development	8
PUD, RCD, MHP	As approved according to the approved Development Plan	

\* A combination of classes 5 and 6 signs may be used provided that the combined total number of square feet of sign area used shall not exceed one (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.

\*\* A Class 14 sign is allowed in lieu of any other signage.

ZONES	USES	PERMITTED SIGN CLASSES
NSC, MC	(1) Any permitted or conditionally permitted use in this zone	1, 2, and 4
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas	3
	(b) All other uses not located in a shopping complex (3 or more businesses located in a unified building or attached group of buildings)	5 and 9* or 6 and 9*
	(c) Signs for identification of a shopping complex (3 or more businesses located in a unified building or attached group of buildings)	9
NC, NM	(1) Any permitted or conditionally permitted use in this zone	1, 2, and 4
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas	3
	(b) Signs for conditional uses and identification of a shopping complex (3 or more businesses located in a unified building or attached group of buildings)	7 or 9
	However, each individual business in this complex may have --	5 or 6*
(c) All other uses not located in a shopping complex (3 or more businesses located in a unified building or attached group of buildings)	5 or 6* and 9 or 12	

\* A combination of classes 5 and 6 signs may be used provided that the combined total number of square feet of sign area used shall not exceed one (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.

ZONES	USES	PERMITTED SIGN CLASSES
LHS	(1) Any use permitted in this zone	1, 2, and 4
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas	3
	(b) Signs for identification of a unified complex (3 or more businesses located in a single building or unified group of buildings)	9
	Each individual business in this complex may have --	5 and 11* or 6 and 11*
	(c) All other uses not located in a unified complex (3 or more businesses located in a single building or unified group of buildings)	5 or 6* and 7 and 11
	(d) Along an arterial or collector street at the point of entry into the zone district or entrance into a commercial or industrial development of at least five (5) acres	13

\* A combination of classes 5 and 6 signs may be used provided that the combined total number of square feet of sign area used shall not exceed one (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.

ZONES	USES	PERMITTED SIGN CLASSES
PO	(1) Any use permitted in this zone	1, 2, and 4
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas	3
	(b) Signs for identification of name of office complex (3 or more office uses located in a unified building or attached group of buildings)	7
	However, each individual office including accessory uses as provided herein in this complex may have	5 or 6*
(c) All other uses not located in an office complex (3 or more offices located in a unified building or attached group of buildings)	5 and 6* and 8 or 12	
(d) Along an arterial or collector street at the point of entry into the zone district or entrance into a commercial or industrial development of at least five (5) acres	13	

\* A combination of classes 5 and 6 signs may be used provided that the combined total number of square feet of sign area used shall not exceed one (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.

ZONES	USES	PERMITTED SIGN CLASSES
IP-1, IP-2	(1) Any use permitted in these zone	1, 2, and 4
	(2) In addition to sign classes permitted in (1):	
	(a) Off-street parking areas	3
	(b) And all other uses permitted in these zones	5 and 8* or 6 and 8*
	(c) Signs for identification of an industrial development or park	9
	(d) Along an arterial or collector street at the point of entry into the zone district or entrance into a commercial or industrial development of at least five (5) acres	13

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\* A combination of classes 5 and 6 signs may be used provided that the combined total number of square feet of sign area used shall not exceed one (1) square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.

ZONES	USES	PERMITTED SIGN CLASSES
MLU-2	As approved according to the approved Development Plan or Development Agreement	



**SECTION 14.11 CHANGEABLE COPY/MESSAGE SIGNS**

A. Definitions: As used in this Article, the defined terms shall have the meaning as set forth below:

1. "Automatic Changeable Copy Sign" means a type of sign on which the copy changes automatically through the use of electronic technology. All changeable copy shall be included within the allotted face of sign square footage.
2. "Commercial Message" means words, symbols, logos, pictures, or any combination thereof which identify or which directs attention to a business, commodity, service, or entertainment sold or offered for sale or for a fee.
3. "Manual Changeable Copy Sign" means any sign on which the copy for all or a portion of the sign can be changed by a human being removing or rearranging letters, symbols, or numerals. All changeable copy shall be included within the allotted face of sign square footage.
4. "NITA Measure of Luminance." One nit is equal to one candela per square meter (1 cd/m<sup>2</sup>). 10,000 nits are equal to one stilb. A candela, on which the definition is based, is a unit of measurement of the intensity of light. Part of the SI system of measurement, one candela (cd) is the monochromatic radiation of 540 THz with a radiant intensity of 1/683 watt per steradian in the same direction. Another way of putting it is that an ordinary wax candle generates one candela.
5. "Sign, Animated": A sign which uses movement or change of lighting to simulate action or motion.

B. Flashing Signs; Moving Signs; and Changeable Copy Signs

1. General Rule: Signs that move, flash or simulate movement are prohibited except as specifically allowed under this article. A changeable copy sign is considered a different classification under this Article. Conversion of an existing sign to a changeable copy sign or to add changeable copy elements to it is allowed only if the modified sign will conform with all standards in this Article and with all other applicable standards related to the location, height, size, and other characteristics of the sign.
2. Rules for Changeable Copy Signs Allowed Under This Article: Automatic changeable copy signs shall be allowed only in the NC, NSC, LHS, and for churches in the R-1C and R-1G Zones; and, shall be subject to the following additional restrictions:

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- a. Such technology shall be programmed so that the message or image on the sign changes no more than every eight (8) seconds;
  - b. There shall be no effects of movement, flashing, scintillation, or similar effects in the individual images;
  - c. Changes of images shall be substantially instantaneous as seen by the human eye and shall not use fading, rolling, window shading, dissolving or similar effects as part of the change;
  - d. Video technology and signs shall use automatic level controls to reduce light levels at night and under cloudy or other darkened conditions, in accordance with the following standards:
    - (1) All electronic or digital display unit message boards shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic board based on the ambient light conditions.
    - (2) Maximum brightness levels for electronic or digital display boards shall not exceed 5,000 nits when measured from the billboard's face at its maximum brightness, during daylight hours, and 500 nits when measured from the billboard's face at its maximum brightness between dusk and dawn, i.e., the time of day between sunset and sunrise.
  - e. Any sign using electronic technology for changeable copy message boards which malfunctions, fails or ceases to operate in its usual and normal program manner causing therein motion, movement, flashing or any similar effects shall be repaired or disconnected within 48 hours by the owner or operator of such sign.
  - f. The area of a sign consisting of electronic message board elements shall not constitute more than 70 square feet of a sign. Notwithstanding any other provision of this Article, this provision shall not be interpreted so as to enlarge the maximum size of a single sign as otherwise permitted under this sign ordinance.